

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2005-16

**A BY-LAW TO AMEND ZONING BY-LAW NO. 28-80 TO
REZONE CERTAIN LANDS ON BIRCHS ROAD
FROM AN "INDUSTRIAL HOLDING (MH)" ZONE TO AN
"INDUSTRIAL COMMERCIAL SPECIAL ZONE NO. 54 (MC SP. 54)"
(NIPISSING RACEWAY – BIRCHS ROAD)**

WHEREAS the owner of the subject property has initiated an amendment to the Zoning By-law;

AND WHEREAS the Council of The Corporation of the City of North Bay has ensured that adequate information has been made available to the public, and has held at least one public meeting after due notice for the purpose of informing the public of this By-law;

AND WHEREAS it is deemed desirable to amend the zoning designation shown on Schedule "B-82" of By-law No. 28-80 pursuant to Section 34 of the Planning Act R.S.O. 1990, as amended.

AND WHEREAS Council passed a resolution on January 31, 2005 to approve this rezoning.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY HEREBY ENACTS AS FOLLOWS:

- 1) Schedule "B-82" of By-law No. 28-80 is amended by changing the zoning designation of the property shown on Schedule "A" attached hereto (which property is more particularly described as Concession 14, Part Lot 35, Parcel 3886 W&F along Birchs Road in the City of North Bay from an "Industrial Holding (MH)" zone to an "Industrial Commercial Special Zone No. 54 (MC Sp. 54)"
- 2) Section 11 of By-law No. 28-80 is amended by inserting at the end thereof the following Section 11.4.54:
 - "11.4.54 "Industrial Commercial Special Zone No. 54 (MC Sp. 54)"
 - 11.2.90.1 The property description of this "Industrial Commercial Special Zone No. 54 (MC Sp. 54)" is Concession 14, Part Lot 35, Parcel 3886 W&F along Birchs Road in the City of North Bay as shown on the attached Schedule and on Schedule "B-82".
 - 11.4.54.2 No person shall use land, or use, erect, or construct any building or structure in this "Industrial Commercial Special Zone No. 54 (MC Sp. 54)" except for the following uses:
 - automobile sales, leasing, & service establishments;
 - banks;
 - builder's supply yards, and stores;
 - day nursery;
 - garden centre;
 - hotels and motels;
 - heavy equipment sales, and service;

- farmer's market;
- flea market;
- printing and photographic services;
- public garages;
- recreational facilities;
- recreational vehicles and equipment sales & service;
- repair garage;
- restaurants and taverns;
- service stations or gas bars;
- trade shows;
- all those uses permitted in the light industrial one (M1) zone;
- one (1) apartment unit shall be permitted for an essential worker, owner/operator or caretaker within the main building;
- horse racing track;
- slot machine gaming facility to be located and developed only in conjunction with a horse racing track, and not including a casino or a charity casino;
- any other incidental or accessory use or structure;
- barn;
- grandstand;
- teletheatre;
- offices;
- parking;
- off track betting lounges; and
- pari-mutuel betting.

11.4.54.3 Outdoor storage will be permitted providing it shall not be conducted in the front and easterly yards and shall be enclosed by adequate screening in the form of landscaping or fencing to a height of not less than two and five-tenths (2.5) metres and not greater than the height of the first story of the main building on the property.

11.4.54.4 For the purposes of this by-law, a "slot machine gaming facility" means any building or portion of a building containing an automatic machine or slot machine:

- a) That is used or intended to be used for any purpose other than vending merchandise or services; or,
- b) That is used or intended to be used for the purpose of vending merchandise or services if:
 - i) the result of one of any number of operations of the machine is a matter of chance or uncertainty to the operator;
 - ii) as a result of a given number of successive operations by the operator the machine produces different results;
 - iii) on any operation of the machine it discharges or emits a slug or token;
 - iv) but it does not include an automatic machine or slot machine that dispenses as prizes only one or more free games on that machine.

11.4.54.5 The use of land or building in this "Industrial Commercial Special Zone No. 54 (MC Sp. 54)" shall conform to all other regulations of this By-law, except as hereby expressly varied."

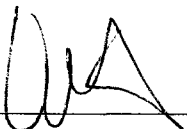
- 3) Section 11 of By-law No. 28-80 is further amended by inserting "Industrial Commercial Special Zone No. 54 (MC Sp. 54)" as shown on Schedule "B" to this By-law.
- 4) Pursuant to Section 41 of the Planning Act, R.S.O. 1990 as amended, those lands shown as hatched on Schedule "A" attached hereto are hereby designated as a site plan control area.
- 5)
 - a) Notice of this By-law shall be given by the Clerk in the manner and form and to the persons prescribed by Section 4 of O.Reg. 199/96 as amended.
 - b) Where no notice of appeal is filed with the Clerk of The Corporation of the City of North Bay within twenty (20) days after the day that the giving of written notice as required by the Act is completed, then this By-law shall be deemed to have come into force on the day it was passed.
 - c) Where one or more notices of appeal are filed with the Clerk of The Corporation of the City of North Bay within twenty (20) days after the day that the giving of written notice as required by the Act is completed, setting out the objection to the By-law and the reasons in support of the objection, then this By-law shall not come into force until all appeals have been finally disposed of, whereupon the By-law shall be deemed to have come into force on the day it was passed.

READ A FIRST TIME IN OPEN COUNCIL THE 31ST DAY OF JANUARY 2005.

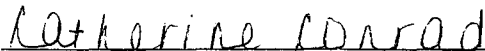
READ A SECOND TIME IN OPEN COUNCIL THE 31ST DAY OF JANUARY 2005.

READ A THIRD TIME IN OPEN COUNCIL AND PASSED THIS 14TH DAY

OF FEBRUARY 2005.



MAYOR

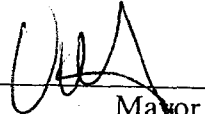


CITY CLERK

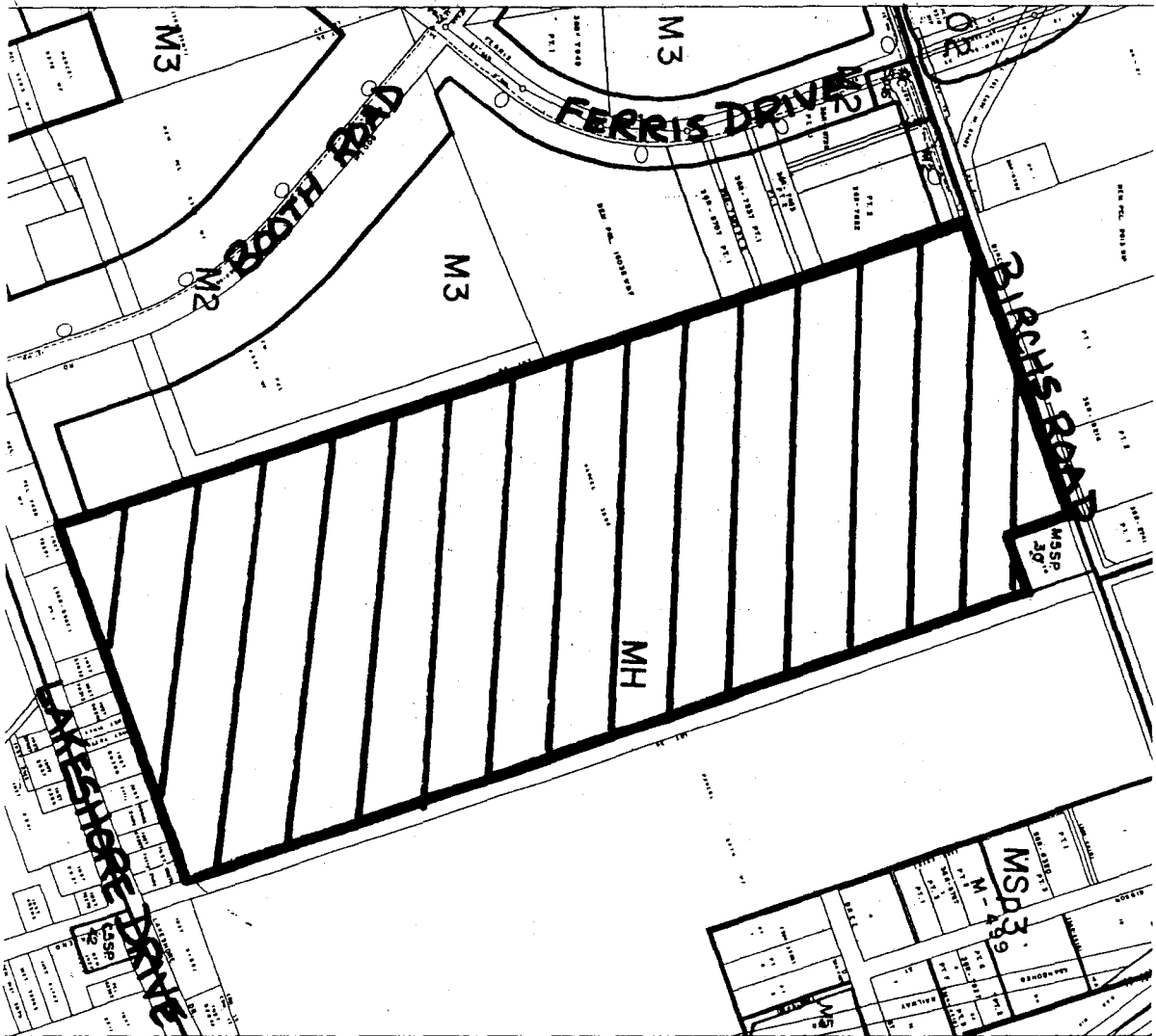
This is Schedule "A"

To By-law No. 2005-16

Passed the 14 day of February 2005.


Mayor

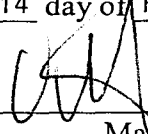
Catherine Conrad
City Clerk



This is Schedule "B"

To By-law No. 2005-16

Passed the 14 day of February 20 05

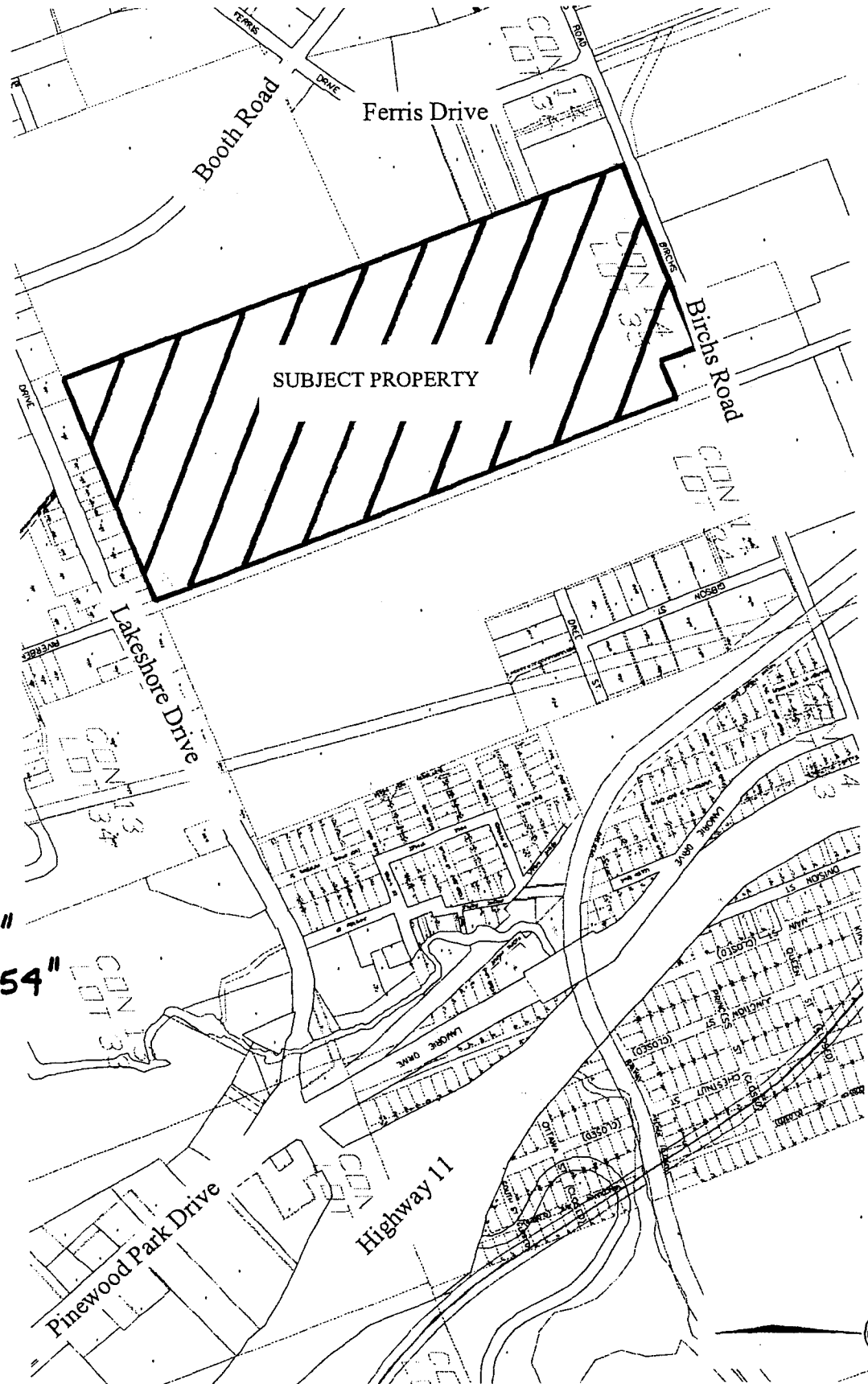



Mayor

Catherine Conrad

City Clerk

THIS IS SCHEDULE TO "INDUSTRIAL COMMERCIAL SPECIAL ZONE NO. 54 (MC SP. 54)"



 FROM "MH"
TO "MC Sp. 54"